

OHIO E.P.A.

JUN -5 2001

ENTERED DIRECTOR'S JOURNAL

Issuance Date: JUN 05 2001

Effective Date: JUN 05 2001

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of

Reily Township Landfill  
c/o International Paper Corporation  
6400 Poplar Avenue  
Memphis, Tennessee 38197

Director's Final Findings  
and Orders

**PREAMBLE**

It is hereby agreed by and among the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are hereby issued to International Paper Corporation (IPC) pursuant to the authority vested in the Director of Environmental Protection (Director) under sections 3734.13 and 3745.01 of the Ohio Revised Code (ORC).

**II. PARTIES**

These Orders shall apply to and be binding upon IPC, and its assigns and successors in interest. No changes in ownership relating to the Reily Township Landfill will in any way alter IPC's obligations under these Orders. IPC's obligations under these Orders may be altered only by the written approval of the Director.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734 and the regulations promulgated thereunder.

I certify this to be a true and accurate copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency

By Denise Jachnowe 6/5/01

#### IV. FINDINGS OF FACT

The Director has determined the following findings of fact:

1. IPC is the owner, operator, and license holder of the International Paper Corporation (formerly Champion Paper) Reily Township Landfill (Facility) located in Reily Township, Butler County, Ohio.
2. On May 11, 1989, Ohio EPA issued Permit to Install (PTI) No. 05-3218 for the Facility as a "municipal solid waste landfill".
3. On October 10, 1989, IPC submitted a closure plan to Ohio EPA.
4. On June 25, 1991, Ohio EPA concurred with the Phase I, Cell 1 certification report submitted by IPC for the Facility.
5. Pursuant to OAC Rule 3745-30-04, on February 3, 1994, Ohio EPA redesignated the Facility as a Class II residual waste landfill, as defined under OAC Rule 3745-30-01 (C).
6. On October 20, 1999, Ohio EPA issued an alteration to PTI No. 05-3218 which deleted several conditions and updated several others in order to reference the appropriate rules in OAC Chapter 3745-30, the Residual Solid Waste Disposal regulations, which became effective on March 20, 1992 .
7. On October 20, 1999, Ohio EPA certified that the Facility had demonstrated conformance with best available technology for design, construction, operation, and closure in accordance with OAC Rule 3745-30-02(D).
8. On January 1, 2001, Ohio EPA issued the 2001 Operating License for the Facility, in accordance with OAC Rule 3745-37-07.
9. The Facility is authorized to accept "solid waste" as defined under ORC Section 3734.01 (E) and OAC Rule 3745-30-01 (B)(3).
10. On January 23, 2001, IPC submitted to Ohio EPA a request to revoke PTI No. 05-3218 and the 2001 Operating License.
11. Condition No. 26 of PTI No. 05-3218 requires that the permittee submit an annual report for the Facility. IPC has documented, through annual reports dating back to 1991, that no waste has ever been disposed at the Facility.

12. Ohio EPA has verified, through all mandatory site inspections, that no waste has ever been disposed at the Facility.
13. OAC Rules 3745-30-09 and 3745-30-10 contain closure and post-closure care requirements for residual solid waste landfills.
14. Pursuant to ORC Section 3734.02(G), the Director may, by Order, exempt any person generating, storing, treating, disposing of, or transporting solid waste in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with any other requirements of ORC Chapter 3734.
15. Granting an exemption, pursuant to ORC section 3734.02(G), from the requirements of OAC 3745-30-09 and 3745-30-10 to perform closure and post-closure care activities at the Facility, which has not been utilized for any waste disposal, is unlikely to adversely affect public health or safety or the environment.

#### V. ORDERS.

1. Permit to Install Number 05-3218, issued on May 11, 1989, is hereby revoked.
2. The Facility's 2001 Operating License, issued on January 1, 2001, is hereby revoked.
3. Pursuant to ORC 3734.02(G), IPC is hereby exempt from the requirements of OAC Rules 3745-30-09 and 3745-30-10 to perform closure and post-closure activities at the Facility.
4. Not later than sixty (60) days after the effective date of these Orders, IPC shall decommission the leachate management system and properly abandon the groundwater monitoring wells at the facility.
5. The groundwater monitoring wells shall be abandoned in accordance with OAC Rule 3745-9-10 and Chapter 9, "Monitoring Well and Borehole Abandonment," of the Ohio EPA publication, Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring enclosed as Attachment A.

6. Not later than sixty (60) days from completion of the items in Orders Number 4 and 5, the IPC shall submit to Ohio EPA, a report certifying such completion.

#### **VI. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to IPC's operation of its Facility. Ohio EPA reserves all rights and privileges except as specified herein.

#### **VII. NOTICE**

All documents demonstrating compliance with these Orders and all other documents required under these Orders to be submitted to Ohio EPA shall be addressed to:

Ohio Environmental Protection Agency  
Southwest District Office  
Division of Solid and Infectious Waste Management  
Attn: Unit Supervisor  
401 East Fifth Street  
Dayton, OH 45402-2911

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **VIII. RESERVATION OF RIGHTS**

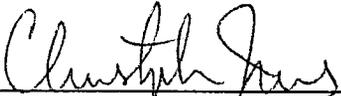
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including penalties against IPC for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require IPC to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of IPC to raise

Director's Final Findings and Orders  
International Paper Corporation  
Reily Township Landfill  
Page 5 of 5

any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of IPC. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

**IT IS SO ORDERED:**

  
\_\_\_\_\_  
Christopher Jones Director  
Ohio Environmental Protection Agency

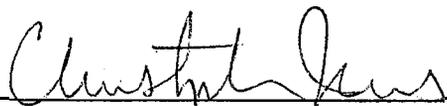
**WAIVER**

IPC hereby waives its right to appeal the issuance, terms and service of these Orders, and hereby waives any and all rights it might have to seek judicial or administrative review of said Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and IPC agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission or any court, IPC retains the right to intervene and participate in such appeal. In such event, IPC shall continue to comply with these Orders notwithstanding such appeal and intervention unless said Orders are stayed, vacated, or modified.

**IT IS SO AGREED:**

  
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Robert Funkhouser, Chief Counsel, Environment, Health & Safety  
International Paper Corporation

  
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Christopher Jones  
Ohio Environmental Protection Agency